

Notice of Allowability

Application No.

08/603,497

Examiner

Ling-Siu Choi

Applicant(s)

MORINI ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed March 20, 2003.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on July 12, 2005 has been entered.

2. Claims 30-40 were canceled and claims 1-29 are now pending.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CAR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. James C. Lydon on August 22, 2005.

4. The application has been amended as follows:

Art Unit: 1713

Claim 3, line 5, change "C1" to --Cl--;

Claim 17, line 5, change "C1" to --Cl--.

Allowable Subject Matter

5. Claims 1-29 are allowed.

6. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest references: Barbe et al. (US 4,978,648), Albizzati et al. (US 5,068,213), and Albizzati et al. (US 5,122,492).

A solid catalyst component		
1	a magnesium halide in active form	
2	a titanium compound having at least one Ti-halogen bond	
3	a cyclopolyenic 1,3-diether	
the cyclopolyenic 1,3-diether		
A. position 2 carbon involving in forming a cyclic or polycyclic structure of		
(5, 6, or 7) C	(5-n) C + n [1 or 2] N or	(6-n') C + n' [1,2, or 3] O, S, or Si
B. the cyclic or polycyclic structure having two or three unsaturations, and optionally		
C. the cyclic or polycyclic structure is condensed with other cyclic structures, or		
the cyclic or polycyclic structure is substituted with one or more substituents selected from the group consisting of linear or branched alkyl radicals; cycloalkyl, aryl, aralkyl, alkaryl radicals and halogens, or		
the cyclic or polycyclic structure is condensed with other cyclic structures and is substituted with one or more substituents selected from the group consisting of linear or		

branched alkyl radicals; cycloalkyl, aryl, aralkyl, alkaryl radicals and halogens which can also be bonded to the condensed cyclic structures; one or more of alkyl, cycloalkyl, aryl, aralkyl or alkaryl radicals and the condensed cyclic structure optionally containing one or more heteroatoms as substitutes for carbon or hydrogen atoms or both

(summary of claim 1)

Barbe et al. disclose a catalyst component comprising an anhydrous magnesium dihalide in active form, a titanium compound containing at least a Ti-halogen, bond, and an electron donor, wherein the electron donor can be diether such as 1,1-di(methoxy methyl)-1,2,3,4-tetrahydronaphthalene, 1,1-di(methoxymethyl) decahydro naphthalene, 1,1-di(methoxymethyl)indan, or 2,2-di(methoxymethyl)indan (abstract; col. 3, lines 7-10). However, Barbe et al. do not teach or fairly suggest a catalyst component comprising the specific diether : carbon atom in position 2 belonging to a cyclic or polycyclic structure made up of 5, 6, or 7 carbon atoms and containing two or three unsaturations.

Albizzati et al. (US 5,068,213) disclose a catalyst component comprising a magnesium halide in active form, titanium halide, and a diether, wherein the diether can be 1,1-bis(methoxymethyl)-4-chloro-decahydronaphthalene or 1,1-bis(methoxymethyl)-6-chloro-tetrahydronaphthalene (abstract; col. 3, lines 26-29), **wherein 1,1-bis(methoxy methyl)-6-chloro-tetrahydronaphthalene should be 1,1-bis(methoxymethyl)-6-chloro-1,2,3,4-tetrahydronaphthalene and should not be 1,1-bis(methoxymethyl)-6-chloro-5,6,7,8-tetrahydronaphthalene because there are two methoxymethyl groups substituted on 1 position.** Thus, Albizzati et al. do

Art Unit: 1713

not teach or fairly suggest a catalyst component comprising the specific diether : carbon atom in position 2 belonging to a cyclic or polycyclic structure made up of 5, 6, or 7 carbon atoms and containing two or three unsaturations.

Albizzati et al. (US 5,122,492) disclose a catalyst component comprising a magnesium dihalide, a titanium halide, a diether, wherein the diether can be as 1,1-di(methoxymethyl)-1,2,3,4-tetrahydronaphthalene, 1,1-di(methoxymethyl)decahydronaphthalene, 1,1-di(methoxymethyl)indan, or 2,2-di(methoxymethyl)indan (abstract; col.4, lines 3-6). However, Albizzati et al. do not teach or fairly suggest a catalyst component comprising the specific diether : carbon atom in position 2 belonging to a cyclic or polycyclic structure made up of 5, 6, or 7 carbon atoms and containing two or three unsaturations.

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

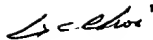
Conclusion

7. Any inquiry concerning this communication or earlier communications from the

Art Unit: 1713

examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.



LING-SUI CHOI
PRIMARY EXAMINER

August 22, 2005